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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/738,834

12/15/2000

Joel C. Vanderzee

D-2627/WOD

1552

7590

07/11/2005

The Trane Company  
Patent Department - 12-1  
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EXAMINER

ABELSON, RONALD B

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/738,834

Applicant(s)

VANDERZEE ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-20 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/15/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neumann (US 6,744,761) in view of Newton, and further in view of Shutterly (US 4,654,889).

Regarding claim 1, Neumann teaches a communications system using a communications protocol for a communications bus (fig. 3, element 320, col. 3 line 63 - col. 4 line 12) wherein messages are transmitted to a plurality of devices communicating by means of a bus (fig. 3 elements 302, 304, 306, 308, 310, 312, and 314).

Although Neumann teaches ASCII (col. 6 lines 5-9), the reference is silent on the message includes a unique code indicating the end of the message and wherein that same unique code triggers a transfer of communication control to another device of the plurality of devices.

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Newton teaches the existence of ASCII before the date of the application. Note, ASCII contains a unique code indicating the end of the message (see standard code EOT).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Neumann by transmitting an EOT code at the end of each message. This would improve the system by informing the devices when the transmitting device has finished transmitting.

The combination is silent on a unique code triggers a transfer of communication control to another device of the plurality of devices.

Shutterly teaches a unique code triggers a transfer of communication control to another device of the plurality of devices (code identifies the next terminal device scheduled for access, col. 2 lines 58-63).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of the combination by combining the EOT code with a unique code identifying the next device that will gain access to the bus. This would improve the system by not only informing the devices when the transmitting device has finished transmitting, but also informing the devices which device will be allowed to transmit next.

***Response to Arguments***

3. Applicant's arguments filed 5/13/2005 have been fully considered but they are not persuasive.

Applicant contends that Neumann makes no disclosures relative to the use of ASCII for communications (applicant: pg. 7 3<sup>rd</sup> paragraph). The examiner disagrees. Neumann fig. 3 element 102 refers to a corporate network. Information transmitted between elements 302, 304, 306, 308, 310, 312, and 314 is done via bus 320. Neumann specifically states, "converting the received fax into a more suitable form, such as, ASCII ... route the fax through enterprise 110" (col. 6 lines 5-9). Note, corporate network 102 is a portion of enterprise 110 (fig. 1). Therefore, the examiner maintains that Neumann does make disclosure relative to the use of ASCII for communications. In the same paragraph, applicant further contends that Neumann converts the received fax into ASCII for operation of the OCR engines (Neumann: col. 6 lines 5-7). However, this is an incorrect reading of the reference. Neumann states, "However, by converting the received fax into a more suitable for, such as, for example an ASCII or RTF file by operation of OCR engine 518" ... Note, the OCR engine is doing the converting; conversion is

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not performed for operation of the OCR engines as the applicant contends.

Regarding the applicant's comment that Newton does not disclose the use of a unique code for triggering transfer of communications control from one device to another, the examiner never made this contention.

The applicant contends, "a token ring arrangement cannot be modified as proposed by the Examiner without disrupting operation of the token ring ... Thus applicant submits that a person of ordinary skill in the art would not modify or combine Shutterly in the proposed manner." The examiner never stated that Shutterly should be modified. Shutterly is a secondary reference. The examiner maintains that the concept of using a unique code to identify the next device that will gain access to the network can be incorporated within the system of the combination of Neumann and Newton. See office action above.

Page 8, last paragraph, the applicant repeats his contentions that Neumann does not make any disclosures regarding ASCII for communications and that Shutterly would never be modified as proposed. These arguments have previously been addressed. The applicant then states, "that the proposed combination raises significant technical hurdles". However, the applicant never states that the "technical hurdles" are. The

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applicant then repeats his contention that modification requires a significant and adverse change to Shutterly. The examiner never proposed modifying Shutterly.

***Allowable Subject Matter***

4. Claims 2-20 are allowed.

Regarding claim 2, nothing in the prior art of the record teaches nor fairly suggests three distinct formats, in combination with Neumann, Newton, and Shutterly.

Regarding claim 10, nothing in the prior art of the record teaches nor fairly suggests the communications control is a hybrid of peer-to-peer and master/slave protocols, in combination with Neumann, Newton, and Shutterly.

Regarding claims 11, 16, and 19, Neumann teaches a plurality of communicating devices and a communication media communicably connecting the plurality of devices (fig. 3).

Newton teaches unique codes (see ASCII character set).

Shutterly teaches transmitting an identifier of another device for selecting another device to transmit (code identifies the next terminal device scheduled for access, col. 2 lines 58-63).

However, nothing in the prior art of the record teaches nor fairly suggests a protocol wherein each device transmits the

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unique code on the communications media in the sequence order if the device has nothing to report, transmits the sequence identifier of another device followed by data followed by the unique code if the device has information to report, and transmits the sequential identifier of another device followed by the unique code if the transmitting device desires to change out of sequence to a different device in the sequence order, in combination with all the limitations listed in the claim.

#### **Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.




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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (571) 272-3165. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ronald Abelson  
Examiner  
Art Unit 2666

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SUPERVISORY PATENT EXAMINER  
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7/8/05